

**KETTERING CITY COUNCIL
REGULAR MEETING MINUTES
August 8, 2017**

The Council of the City of Kettering, Ohio, met in regular session on Tuesday, August 8, 2017, at 7:30 p.m. in Council Chambers at the Kettering Government Center South Building, 3600 Shroyer Road. Mayor Patterson presided and the Clerk of Council, LaShaunah D. Kaczynski, recorded. This meeting was telecast live on the cable access channel.

Council Members Present: Patterson, Scott, Schrimpf, Klepacz, Duke and Wanamaker

Council Members Absent: Lautar (Excused)

Total Members Present: Six (6)

Mayor Patterson led the audience in the Pledge of Allegiance and gave the invocation. He introduced the cable TV operators Earl Jones and Joe McKenzie. He thanked them for their assistance.

APPROVAL OF MINUTES

July 25, 2017- Council Meeting & Workshop Minutes

Mr. Duke reported that he reviewed the above minutes and moved the minutes be approved. Mr. Wanamaker seconded the motion and there being six (6) yea votes and no (0) nay votes for the July 25, 2017 Council Meeting & Workshop Minutes, the motion was declared carried by roll call vote.

PROCLAMATIONS, SPECIAL PRESENTATIONS, AWARDS, SPECIAL RESOLUTIONS, APPOINTMENTS TO BOARDS AND COMMISSIONS

PUBLIC HEARINGS

PUBLIC COMMENT ON LEGISLATION

ORDINANCES IN SECOND READING

AN ORDINANCE
NO: 4296-17
BY: MR. SCOTT AND MR.KLEPACZ

TO AMEND SECTIONS 436.01 AND 436.07 AND ENACT SECTION 436.011 OF THE
CODIFIED ORDINANCES OF THE CITY OF KETTERING

Mr. Scott read the above ordinance and moved for approval. Mr. Klepacz seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the ordinance duly adopted.

RESOLUTIONS

A RESOLUTION
NO: 10004-17
BY: MR.KLEPACZ AND MRS.SHRIMPF

AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS AND CONTRACT FOR
THE CONSTRUCTION OF A NEW FIRE STATION AT 1300 WEST DOROTHY LANE AND
TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES AND CONTRACT FOR
RELATED GOODS AND SERVICES

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf seconded the motion.

Chief Butts, Fire Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10005-17
BY: MRS.SHRIMPF AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Duke seconded the motion.

Chief Protsman, Police Chief gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10006-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COST-SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE KETTERING CITY SCHOOL DISTRICT FOR THE SAFETY SUPERVISORS SECTION PROGRAM FOR THE 2017-2018 SCHOOL YEAR

Mr. Duke read the above resolution and moved for approval. Mr. Wanamaker seconded the motion.

Mr. Bergstresser, Assistant City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10007-17
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ENTER INTO COST PARTICIPATION AGREEMENTS WITH THE BOARD OF COMMISSIONERS OF MONTGOMERY COUNTY, OHIO FOR ROADWAY AND/OR STORM SEWER CONSTRUCTION IN ASSOCIATION WITH REPLACEMENT OF WATER MAINS

Mr. Wanamaker read the above resolution and moved for approval. Mr. Scott seconded the motion.

Mr. Bergstresser, Assistant City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10008-17
BY: MR.SCOTT AND MR.KLEPACZ

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR RECOATING OF THE ROOF STRUCTURE OVER THE MAIN POOL AT THE KETTERING RECREATION COMPLEX

Mr. Scott read the above resolution and moved for approval. Mr. Klepacz seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10009-17
BY: MR.KLEPACZ AND MRS.SCHRIMPF

AUTHORIZING THE CITY MANAGER TO USE COMPETITIVE BARGAINING AND NEGOTIATED QUOTES TO CONTRACT FOR REPAIR OF THE SIMULATED ROCK FAÇADE AT THE KETTERING RECREATION COMPLEX WATER PARK

Mr. Klepacz read the above resolution and moved for approval. Mrs. Schrimpf seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10010-17
BY: MRS.SCHRIMPF AND MR.DUKE

AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2017 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND EXECUTE THE REQUIRED CERTIFICATIONS TO ENABLE THE CITY TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDS FOR PROGRAM YEAR 2017

Mrs. Schrimpf read the above resolution and moved for approval. Mr. Duke seconded the motion.

Mr. Robillard, Planning & Development Director gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10011-17
BY: MR.DUKE AND MR.WANAMAKER

AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE OHIO ARTS COUNCIL

Mr. Duke read the above resolution and moved for approval. Mr. Wanamaker seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10012-17
BY: MR.WANAMAKER AND MR.SCOTT

AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT FROM THE OHIO ARTS COUNCIL

Mr. Wanamaker read the above resolution and moved for approval. Mr. Scott seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

A RESOLUTION
NO: 10013-17
BY: MR.SCOTT AND MR.KLEPACZ

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF KETTERING, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017

Mr. Scott read the above resolution and moved for approval. Mr. Klepacz seconded the motion.

Mr. Schwieterman, City Manager gave a brief description of the resolution.

The following votes were recorded: Mrs. Schrimpf, Yea; Mr. Klepacz, Yea; Mr. Duke, Yea; Mr. Wanamaker, Yea; Mr. Scott, Yea; Mayor Patterson, Yea. There being six (6) Yea votes, and no (0) Nay votes, the motion was declared carried and the resolution duly adopted.

ORDINANCES IN FIRST READING

AN ORDINANCE
BY: MR. KLEPACZ

VACATING A PORTION OF RIGHT OF WAY ABUTTING 3717 WILMINGTON PIKE

Mr. Schwieterman, City Manager gave a brief description of the ordinance.

CERTIFICATIONS AND PETITIONS

MANAGER'S REPORT/COMMUNITY UPDATE

Mr. Schwieterman, City Manager updated Council on upcoming and community events.

- Wilmington Pike- Construction to relocate a gas main and telecommunications line on the west side of Wilmington Pike and between Marshall Road and Stroop Road is planned to continue through mid-August.
- Stroop Road- The replacement of the Stroop Road bridge east of Woodman Drive will require a complete closure between Robertann Drive and Pobst Drive. The construction is anticipated to start in the coming weeks to be completed in 2017.
- Shroyer Road- Crews will begin paving the inside and outside lanes and intersections and side streets will begin early this week.
- Art on the Commons will be held on Sunday, August 13 from 11:00 a.m.-5:00 p.m. at Lincoln Park Civic Commons.
- Coming to the Frazee:
 - Festival of the Vine 2017- Saturday, August 12 at 3:00 p.m.
 - 3 Doors Down- Thursday, August 17 at 7:30 p.m.
 - Bacon Fest 2017- Sunday, August 20 at 1:00 p.m.
 - Big & Rich- Friday, August 25 at 7:30 p.m.
 - The Taste- Thursday, August 31 at 6:00 p.m.
- Holiday at Home will be Sunday, September 3 and Monday, September 4.

OTHER BUSINESS NOT ON WRITTEN AGENDA

Communications and Reports

Audience Participation (5 Minute Limit per Speaker)

Rex Smyer- 2257 Whitney PI- He received a ticket back on June 19, 2016 for disorderly conduct and the only thing he was doing was mowing his yard before his neighbor went crazy. When the two police officers arrived at his home, both he and his neighbor were cited with disorderly conduct. He has cameras around his home and the only thing he was doing was mowing his yard. After the two officers left, his neighbor began cussing at him again right before he started to mow his yard. He then began to call the police and Sgt. Warren came out to his house and he was told he could not use his cameras in court. The prosecutor tried for 3.2 hours to get him to plead guilty, and he would not plead guilty to something that he did not do. The lawyer he hired tried to bribe him to plead guilty, and mentioned that he would give him \$600 back if he would plead guilty. This is really trying to hurt him by giving him a ticket for disorderly conduct. He had a meeting with the Law Director back in May and he was no help. He then tried to call the City Manager who would not meet with him. He mentioned that it is crazy how a person can get a ticket for disorderly conduct by only mowing their yard. Back in October of 2015, his neighbor had moved back in with his father and all of a sudden there was a lot of traffic. He called the police for months because he knew something was wrong with the traffic coming and going for only a few moments. He does have all of this on video, and the police did not want to see this video footage. The only thing he knows is they wanted him to plead guilty and he was only mowing his yard. There is something messed up with this because he was just out mowing his yard, and if you would come over and look at his property it is a pretty nice property. He takes care of his house and he does nothing, he stays inside his house unless he is mowing his yard. This whole situation has cost him \$1,960 for attorney fees. After he met with the Law Director, traffic has slowed down. He thinks the City of Kettering owes him money for his attorney fees because at the trial both of their charges were dropped and his neighbor charges should have went to trial because he was on video. He was on the phone with the 911 operator when his neighbor was cussing him out, and they did nothing but drop the charges. He knows it is very unlikely if he takes his neighbor back to court for his attorney fees a judge will not allow it because his neighbor's charges were dropped too. He was only mowing his yard, and he has video and 911 recordings that he needed someone to help him and no one was there to serve and protect him. He cannot believe how the police could do this to him and how the prosecutor could drop both charges when the only thing he was doing was mowing his yard.

Mayor Patterson told Mr. Smyer that he should meet with Chief Protzman after the Council meeting.

Mr. Scott informed Mr. Smyer if he has a dispute with his attorney then he should contact either his attorney or the Dayton Bar Association for the return of his money if he was dissatisfied with his representation.

Mr. Smyer mentioned he has already checked into this and they are only going to side with their so called "friends". He could still file the papers, and he still has the papers to do so.

COUNCIL COMMITTEE REPORTS

Mr. Duke reported:

- He congratulated Mr. Klepacz for another successful summer with the Trails of Oakcreek Program.

Mr. Klepacz reported:

- He thanked the members of Council that attended the Sister Cities picnic at Polen Farm.
- On August 8 he attended the open house for Fairmont Career Tech Center.
- He mentioned last Friday was the last day for the Trails of Oakcreek Summer Program.
- He encouraged residents to shop Kettering.

Mrs. Schimpf reported:

- She commended Mr. Klepacz for all of his hard work with the Trails of Oakcreek Summer Program.
- On August 1 she attended National Night Out.

Mr. Lautar reported:

- Absent.

Mr. Scott reported:

- He mentioned he was the Master of Ceremony for Holiday at Home beauty pageant.

Mr. Wanamaker reported:

- On August 28 he attended a Veterans program at Delco Park.
- He offered his condolences to the families of Sandy Fondersmith and James Woodman.

Mayor Patterson reported:

- He mentioned he attended the Sister Cities picnic.
- On August 1 he attended National Night Out.
- On August 3 he spoke at Operation Street Smart at Fairmont High School.
- On August 8 he attended the open house for the Fairmont Career Tech Program.

They're being no further business to come before this meeting of the Kettering City Council; Mayor Patterson adjourned the City Council Meeting at 8:13 p.m.

ATTEST:

DONALD E. PATTERSON, MAYOR

LaShaunah D. Kaczynski
Clerk of Council